

Roe v. Wade. Why? Because H.R. 503 does not speak to that woman who has been violated and abused. It simply says that we are tying it to that embryo. Why? Because we want to say to America that we are trying to destroy Roe v. Wade. That is a privilege of the American people. That is the constitutional law. That is the law of the land. That is the Supreme Court decision.

In committee, I tried to offer an amendment that would suggest to us whether the opposing side is truly sincere; and that amendment said that replacing unborn children in H.R. 503 to violence during pregnancy, that gets to the issue. It says that, if there is violence during pregnancy that resulted in the loss or injury to the woman and then the fetus, then there would be penalty.

But, no, they refused because they want to ensure that there is no relationship to that pregnant woman, there are no feelings about that pregnant woman. It is only to tear apart Roe v. Wade.

Let me say, Mr. Speaker, this is a constitutional issue because it comes to the Subcommittee on the Constitution of the House Committee on the Judiciary, and the very reason is to undermine Roe v. Wade.

I have passion and I have feelings about any woman who involuntarily is forced to lose that child that she is carrying. There is no doubt that our hearts are pure on both sides of the aisle. But this body is forced to follow the law. Vote for the Lofgren substitute and defeat that bill because this is an unconstitutional attack on the right to choose and the privacy of every American.

Mr. Speaker, I rise in very strong opposition of H.R. 503, "Unborn Victims of Violence Act of 2001." This is an unacceptable attempt to create a legal status for the unborn, which would could have enormous adverse ramifications for women in America.

Let me be clear. I would like to express my opposition to H.R. 503, "Unborn Victims of Crime Act" because I believe this is a veiled attempt to create a legal status for the unborn. While we would all like to protect pregnant women and the fetus from intentional harm by others, this bill seeks to create a legal status that will give anti-abortion advocates a back door to overturning current law. I have seen similar legislation come before our committee and I am sorry to see it before the Congress yet again.

I believe that the cosponsors of this bill had good intentions when it was introduced, but the practical effect of this legislation would effectively overturn 25 years of law concerning the right of a woman to choose.

I sympathize with the mothers who have lost fetuses due to the intentional violent acts of others. Clearly in these situations, a person should receive enhanced penalties for endangering the life of a pregnant woman. In those cases where the woman is killed, the effect of this crime is a devastating loss that should also be punished as a crime against the pregnant woman.

However, any attempt to punish someone for the crime of harming or killing a fetus

should not receive a penalty greater than the punishment or crime for harming or killing the mother. By enhancing the penalty for the loss of the pregnant woman, we acknowledge that within her was the potential for life. This can be done without creating a new category for unborn fetuses.

H.R. 503 would amend the federal crime code to create a new federal crime for bodily injury or death of an "unborn child" who is in utero. In brief, there is no requirement or intent to cause such death under federal law. The use of the words as "unborn child," "death" and "bodily injury" are designed to inflame and establish in federal precedent of recognizing the fetus as a person, which, if extended further, would result in a major collision between the rights of the mother and the rights of a fetus. While the proponents of this bill claim that the bill would not punish women who choose to terminate their pregnancies, it is my firm belief that this bill will give anti-abortion advocates a powerful tool against women's choice.

The state courts that have expressed an opinion on this issue have done so with the caveat that while Roe protects a woman's constitutional right to choose, it does not protect a third party's destruction of a fetus.

This bill will create a slippery slope that will result in doctors being sued for performing abortions, especially if the procedure is controversial, such as partial birth abortion. Although this bill exempts abortion procedures as a crime against the fetus, the potential for increased civil liability is present.

Supporters of this bill should address the larger issue of domestic violence. For women who are the victims of violence by a husband or boyfriend, this bill does not address the abuse, but merely the result of that abuse.

If we are concerned about protecting a fetus from intentional harm such as bombs and other forms of violence, then we also need to be just as diligent in our support for women who are victimized by violence.

In the unfortunate cases of random violence, we need to strengthen some of our other laws, such as real gun control and controlling the sale of explosives. These reforms are more effective in protecting life than this bill.

We do not need this bill to provide special status to unborn fetuses. A better alternative is to create a sentence enhancement for any intentional harm done to a pregnant woman. This bill is simply a clever way of creating a legal status to erode abortion rights.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard people opposed to this bill say time and time again that this bill takes away the right to choose, and they are so so wrong. This bill respects the right of those who have chosen to carry their baby to term, because they want the baby to be born.

The opponents of the bill have massed their arguments saying that we are providing legal protection for fertilized eggs and zygotes and blastocysts, but they ignore the fact that this bill provides protection regardless of at what stage of development the unborn child is.

They would turn around and say defeat this bill because this dead child as

a result of an act of violence against a woman in my home State of Wisconsin should not be protected. This is a child that was about ready to be born before he was murdered. The man who committed this crime, because it was a mere assault on the mother, is now out of prison.

We have to pass this bill so that somebody who kills a child like this one spends a lot of time in prison to pay for his crime.

Mr. GILMAN. Mr. Speaker, I rise today in opposition to a bill that I find troublesome on many levels. H.R. 503, the Unborn Victims of Violence Act, at first glance, seems to be a compassionate piece of legislation that harbors only good intentions towards women. However, Mr. Speaker, this legislation has a significant impact on the Supreme court's findings in Roe v. Wade.

This measure would conflict with the Supreme Court's ruling in Roe v. Wade, and the constitution in general.

An alternative measure that I have reviewed and which I can support is the Lofgren substitute amendment.

Under the Lofgren proposal, a separate federal criminal offense would be created for any harm done to a pregnant woman; the pregnant woman being recognized as the primary victim of a crime causing the termination of a pregnancy. An offense would be created that protects women and punishes violence resulting in injury or termination of a pregnancy; a maximum 20-year sentence would be provided for the injury to a woman's pregnancy and a maximum life sentence for termination of a woman's pregnancy; and focuses on the harm to the pregnant woman, providing a deterrent against violence against women.

This amendment, otherwise known as the Motherhood Protection Act, provides for the full protection of expectant mothers against violent crimes without legislating any direct conflict with the highest court of the land.

If the supporters of H.R. 503 are truly concerned about protecting of pregnant women, then let us craft a bill that can be supported by all involved, and actually speaks to women's rights instead of advancing the pro-life agenda in this backdoor fashion.

When a crime is committed against pregnant women which results in the termination of the fetus, a tragedy has occurred. Accordingly let us adopt legislation that recognizes this tragedy without recognizing something antithetical to the Supreme Court's prior decision.

Mr. HOLT. Mr. Speaker, I rise today to express my opposition to H.R. 503, the "Unborn Victims of Violence Act." This bill continues to demonstrate the troubling tendency in Congress to undermine women's constitutional reproductive rights.

Since 1973 and the Roe v. Wade decision, we have seen Congress slowly chip away at women's right to choose in an effort to ultimately nullify this landmark decision. H.R. 503 is an ill-disguised attack on Roe v. Wade. That is because at root it is an attempt to redefine when life begins.

The bill seeks to create a separate Federal criminal offense for criminal acts that cause death or bodily injury to the "unborn" fetus. Tellingly, it does not create any comparable offense for killing or injuring the woman bearing the fetus. I think that makes it clear that the real purpose here is not to protect the victims of violence, but to try to get Congress on